

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>JOSEPH BERGAN,</b>	:	
	:	
<b>Plaintiff,</b>	:	
	:	<b>Civil Action</b>
<b>v.</b>	:	
	:	<b>No. 11-7548</b>
<b>UNITED STATES OF AMERICA,</b>	:	
<b>et al.,</b>	:	
	:	
<b>Defendants.</b>	:	

**ORDER**

**AND NOW**, this 26<sup>th</sup> day of September 2013, upon consideration of defendant's motion for summary judgment (Doc. No. 38), plaintiff's response thereto (Doc. No. 40) and defendant's reply (Doc. No. 45), it is **HERBY ORDERED** that defendant's motion for summary judgment (Doc. No. 38) is **DENIED**.

BY THE COURT

/s/ Lawrence F. Stengel  
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LAWRENCE F. STENGEL, J.